

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
AUGUST 3, 2011**

ROLL CALL:

Members Present: Joseph Diminico, Chairman
Andy Kidd, Secretary
Horace Brown

Alternates: Anthony Petrone (sitting)
John Chaput (sitting)

Absent: Kevin Dougan, Vice Chairman
Eric Prause
Susan Shanbaum

Also Present: Mark Pellegrini, Director of Planning
Renata Bertotti, Senior Planner
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:07 p.m. The Secretary read the legal notice for the application when the call was made.

INSITE REAL ESTATE INVESTMENTS – 112 Buckland Street – for construction of a restaurant which requires more than 60 parking spaces in a Business V, Design Overlay zone – Special Exception (I-17) – CONTINUATION OF PUBLIC HEARING

Mr. Pellegrini suggested the Commission continue the public hearing with an overview of the site plan and special permitting requirements. He noted there was no public testimony at the July 18 public hearing. The hearing was continued because two items were unresolved: building material samples and traffic. He said the Town staff had recommended a condition similar to one imposed on Sonic that, in the event there are traffic problems with cars exiting the site, the Town Traffic Engineer would have the authority to remedy the problem, including closing the site exit. Closing the Buckland Street exit would result in traffic exiting the site via the easement over Sonic and the Plaza at Burr Corners. The applicant was concerned that the condition would inhibit its ability to obtain financing. The condition will be particularly problematic if the easement is lost, they contended, since they would have no authorized exit.

The Commission had concerns and asked that the Town Traffic Engineer be present tonight. Since the last public hearing, there have been conversations regarding traffic, condition language, and signage between the applicants, their agents, and Town staff, Mr. Pellegrini said.

Mr. Pellegrini displayed a map showing the driveways on Buckland Street at both the Sonic and the proposed Buffalo Wild Wings. He explained that traffic going southbound can turn right into the site and right out of the site. The Burr Corners intersection is signalized and the applicant has an easement through Sonic's parking lot. The movement of particular concern is traffic exiting the site and wanting to turn left at Red Stone Road. This could lead to accidents and unsafe conditions and is the potential problem and the Town Traffic Engineer wants to make sure the Town can address such if necessary.

Chairman Diminico asked the applicant to present the special exception application in its entirety since Mr. Chaput was not present at the July 18 meeting and the applicant agreed.

Mr. Lucien DiStefano, Bohler Engineering, reviewed the site plan. The site is an existing vacant Mobil facility located at 112 Buckland Street. The plan is to redevelop it into a 250 seat restaurant with 95 parking spaces (94 are required). There will be 48 seasonal seats on a patio located on the north side of the building. The site is serviced by a single right in/right out curb cut. There are currently two curb cuts which will be consolidated into one. The secondary means of egress is over an easement through Sonic and the private drive at the Plaza at Burr Corners. He described the proposed landscaping, including a buffer on all four sides, as well as the addition of a significant number of trees, shrubs, and plantings. Improvements to utilities include removal of the septic system and installation of a public sanitary sewer. Storm drainage will discharge to the pond but deep sump catch basins and a storm water quality unit will be installed. Lighting will be improved as well.

Mr. Joe Maggi, franchisee, submitted exterior building material samples and colors including split block, stone, and awnings. In response to a question from Mr. Diminico, Mr. DiStefano said the building will be just under 30' tall at its highest point.

Mr. Scott Nicholson, Insite Real Estate, said that in working with Town staff the applicants agreed to a sign program to direct guests out of the site to Red Stone Road. The following language to include as a condition of approval was also developed:

“In the event that the accident data reveals that traffic originating from the site and attempting to get into the left turn lane of Buckland Street at Red Stone Road has created an unreasonably dangerous condition, then the applicant and the Town Traffic Engineer shall work cooperatively to develop a prudent remedy, including design or operational changes, to be presented to and approved by the Manchester Planning and Zoning Commission. This condition shall expire on that date one year after the opening of the proposed restaurant.”

Mr. Nicholson said the Town Traffic Engineer has not yet signed off on the one year limitation. He said it is a reasonable amount of time and provides opportunity to address any issues that would arise.

Mr. Diminico asked whether the easement allowed both Sonic and Buffalo Wild Wings customers to enter and exit each property. Mr. Nicholson said it is a cross access between and for both properties.

Mr. Kidd said he visited the site and it appeared there was quite a bit of room to move the driveway further to the north. Mr. Nicholson explained the driveway is located as close to the DOT's non-access line as possible. Mr. Brown asked if the proposed directional signs will be erected upon building the restaurant or only if traffic becomes a problem. Mr. Nicholson said they will be erected when the site is developed.

In response to questions from Mr. Diminico, James Mayer, Town Traffic Engineer, said he did not envision a need to close the exit permanently. More likely he would require a system of cones to block off the driveway during periods when exiting traffic is creating a problem on Buckland Street. Mr. Mayer said one year would be adequate to determine if traffic will be a problem in this location.

Mr. Kidd noted a restaurant has a much different traffic pattern than a gas station, which would have had much more in and out, and there was no driveway restriction when this was a gas station. He asked what led to this proposed condition and the thought that there may be more of a chance of having an issue. Mr. Mayer said the concern is that people will be out for an evening, have dinner and then go to a movie. The left turn lane to Red Stone Road gets 500 cars per hour at its peak hour, and the condition would ensure necessary action could be taken if necessary.

In response to a question from Mr. Diminico, Mr. Pellegrini said the only sentence of the condition language presented by the applicant the Town Attorney did not review was the last sentence regarding the time period for the condition.

In response to a question from Mr. Diminico, Mr. Mayer said if there are traffic incidents or issues the Police Department would be involved and would contact him. Mr. Chaput said he was concerned with the one year time limit. Time will be needed to formulate a remedy, schedule a meeting, and implement the solution, and if the problem is identified in the 11th month there may not be time to institute a remedy before the expiration of the condition, he said. Mr. Kidd wondered what would happen if a problem was found and we were in the process of finding a solution and the one year expired. Mr. Nicholson suggested changing the timeframe to fourteen months.

In response to a question from Mr. Diminico, Mr. Mayer said he typically reviews three years worth of accident data when studying an intersection. Mr. Nicholson explained that a long time frame for the condition would hinder the ability to secure permanent financing for the project.

Mr. Brown said he feels a year is generally a short period of time. He asked if the Town of Manchester would be in a position to do something if a serious situation arises two years after the restaurant opens. Mr. Pellegrini said at that time, the Town could take action to remedy the situation using signage and traffic control as long as it is done in the public right of way. He said if the easement is lost, there is no other way out of the site except for Buckland Street. He understands the concerns about timing and thinks a commitment is necessary from the owner/operator to solve the problem if one should arise. Mr. Pellegrini said he received correspondence from Emmes Corporation, the manager of the Plaza at Burr Corners, who prefers to have Buffalo Wild Wings traffic exit directly onto Buckland Street. Emmes was concerned about the easement becoming overburdened. If it becomes overburdened, the property owners have a right to argue to terminate the easement. This would be a worst-case scenario. Mr. Pellegrini said the proposed condition is a clear statement that the property owner will work with the Town to find a solution if there is a problem. He thinks the open question right now is how long the condition should run.

In response to questions from Mr. Diminico, Mr. Nicholson explained he has sources lined up for a construction loan, which is different than the permanent loan. Currently, the bank is financing the organization. Once the debt is permanent, it will be financing the property itself. He estimated that it would take about sixteen weeks to construct the building.

In response to a question from Mr. Kidd, Mr. Mayer said in any traffic problem situation he would communicate with the owner and propose a solution. In his experience, property owners are cooperative. Mr. Nicholson added that Buffalo Wild Wings always acts in the interest of its guests. The operator of this location is a strong operator. If something happens, it affects the business and its bottom line.

Ms. Bertotti received a letter dated August 1, 2011 addressed to Mark Pellegrini from the property manager of Emmes letting the Planning and Zoning Commission know her company is against closing down the right turn onto Buckland Street.

Chairman Diminico asked if any member of the public wished to comment in favor of or in opposition to this application. No member of the public wished to comment at this time.

There was some discussion about revising the condition language as follows:

“In the event that accident data reveals that traffic originating from the site and attempting to get into the left turn lane of Buckland Street at Red Stone Road has created an unreasonably dangerous condition in the opinion of the Town Traffic Engineer, then the applicant and the Town Traffic Engineer shall work cooperatively to develop a prudent remedy, including design or operational changes, to be presented to and approved by the Manchester Planning and Zoning Commission. This condition shall expire on that date fourteen (14) months after the opening of the proposed restaurant unless the Town Traffic Engineer has provided notice of such dangerous conditions to the Planning and Zoning Commission.”

Ms. Bertotti recommended the same modifications that were required for the approved wetlands and erosion control plans. These were minor technical comments from the Water and Sewer Department and the Civil Engineer.

The chairman closed the Public Hearing portion of the meeting at 8:30 p.m.

NOTICE: THE CASSETTE TAPE RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1122 & 1123